



General Assembly

January Session, 2005

***Raised Bill No. 6969***

LCO No. 4837

\*04837\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE USE IN COURT PROCEEDINGS OF  
CERTAIN COMMUNICATIONS MADE TO MARITAL AND FAMILY  
THERAPISTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-146p of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) As used in this section:

4 (1) "Person" means an individual who consults a marital and family  
5 therapist for purposes of diagnosis or treatment;

6 (2) "Marital and family therapist" means an individual certified as a  
7 marital and family therapist pursuant to chapter 383a;

8 (3) "Communications" means all oral and written communications  
9 and records thereof relating to the diagnosis and treatment of a person  
10 between such person and a marital and family therapist or between a  
11 member of such person's family and a marital and family therapist;

12 (4) "Consent" means consent given in writing by the person or his

13 authorized representative; and

14 (5) "Authorized representative" means (A) an individual  
15 empowered by a person to assert the confidentiality of  
16 communications which are privileged under this section, or (B) if a  
17 person is deceased, his personal representative or next of kin, or (C) if  
18 a person is incompetent to assert or waive his privileges under this  
19 section, (i) a guardian or conservator who has been or is appointed to  
20 act for the person, or (ii) for the purpose of maintaining confidentiality  
21 until a guardian or conservator is appointed, the person's nearest  
22 relative.

23 (b) Except as provided in subsection (c) of this section, all  
24 communications shall be privileged and a marital and family therapist  
25 shall not disclose any such communications unless the person or his  
26 authorized representative consents to waive the privilege and allow  
27 such disclosure. In circumstances where more than one person in a  
28 family is receiving therapy, each such family member shall consent to  
29 the waiver. In the absence of such a waiver from each such family  
30 member, a marital and family therapist shall not disclose  
31 communications with any family member. The person or his  
32 authorized representative may withdraw any consent given under the  
33 provisions of this section at any time in a writing addressed to the  
34 individual with whom or the office in which the original consent was  
35 filed. The withdrawal of consent shall not affect communications  
36 disclosed prior to notice of the withdrawal.

37 (c) Consent of the person shall not be required for the disclosure of  
38 such person's communications:

39 (1) Where mandated by any other provision of the general statutes;

40 (2) Where a marital and family therapist believes in good faith that  
41 the failure to disclose such communications presents a clear and  
42 present danger to the health or safety of any individual;

43 (3) Where a marital and family therapist makes a claim for collection  
 44 of fees for services rendered, the name and address of the person and  
 45 the amount of the fees may be disclosed to individuals or agencies  
 46 involved in such collection, provided notification that such disclosure  
 47 will be made is sent, in writing, to the person not less than thirty days  
 48 prior to such disclosure. In cases where a dispute arises over the fees or  
 49 claims or where additional information is needed to substantiate the  
 50 claim, the disclosure shall be limited to the following: (A) That the  
 51 person was receiving services from a marital and family therapist, (B)  
 52 the dates of such services, and (C) a general description of the types of  
 53 services; or

54 (4) Where, in a civil proceeding, the person introduces the person's  
 55 psychological condition as an element of the person's claim or defense  
 56 or, after the person's death, the person's psychological condition is  
 57 introduced by a party claiming or defending through or as a  
 58 beneficiary of the person, and the court finds that it is more important  
 59 to the interests of justice that the communications be disclosed than  
 60 that the relationship between the person and the marital and family  
 61 therapist be protected.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2005	52-146p
-----------	-----------------	---------

**Statement of Purpose:**

To permit disclosure in a civil proceeding of communications between a person and a marital and family therapist, without the consent of the person, where the psychological condition of the person is introduced as an element of the person's claim or defense and the court finds that it is more important to the interests of justice that the communications be disclosed than that the relationship between the person and the marital and family therapist be protected.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*